

VACANT LAND/LOT SELLER'S PROPERTY DISCLOSURE STATEMENT (SPDS) (To be completed by Seller)

Document updated:
August 2024



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MESSAGE TO THE SELLER:

Sellers are obligated by law to disclose all known material (important) facts about the Property to the Buyer. The SPDS is designed to assist you in making these disclosures. If you know something important about the Property that is not addressed on the SPDS, add that information to the form. Prospective Buyers may rely on the information you provide.

INSTRUCTIONS: (1) Complete this form yourself. (2) Answer all questions truthfully and as fully as possible. (3) Attach all available supporting documentation. (4) Use explanation lines as necessary. (5) If you do not have the personal knowledge to answer a question, use the blank lines to explain. By signing below you acknowledge that the failure to disclose known material information about the Property may result in liability.

MESSAGE TO THE BUYER:

Although Sellers are obligated to disclose all known material (important) facts about the Property, there are likely facts about the Property that the Sellers do not know. Therefore, it is important that you take an active role in obtaining information about the Property.

INSTRUCTIONS: (1) Review this form and any attachments carefully. (2) Verify all important information. (3) Ask about any incomplete or inadequate responses. (4) Inquire about any concerns not addressed on the SPDS. (5) Review all other applicable documents, such as CC&R's, association bylaws, rules, and the title report or commitment. (6) Obtain professional inspections of the Property. (7) Investigate the surrounding area.

THE FOLLOWING ARE REPRESENTATIONS OF THE SELLER(S) AND ARE NOT VERIFIED BY THE BROKER(S) OR AGENT(S).

PROPERTY AND OWNERSHIP

1. THIS DISCLOSURE CONCERNS THE FOLLOWING REAL PROPERTY: # 304-47-386E (1.05 acres)
2. # 304-47-386F (1.44 acres)
3. COUNTY: Maricopa TAX PARCEL NUMBER: See above
4. ZONING: R43 DATE PURCHASED OR ACQUIRED: _____
5. How did you acquire the Property? ☒ Purchase ☐ Inheritance ☐ Foreclosure ☐ Gift ☐ Other: _____
6. LEGAL OWNER OF PROPERTY: Miller Family Trust
7. Is the Property located in an unincorporated area of the county? ☒ Yes ☐ No
8. If yes, and five or fewer parcels of land other than subdivided land are being transferred, the Seller must furnish the Buyer
9. with a written Affidavit of Disclosure in the form required by law.
10. To your knowledge, is the Property within a subdivision approved by the Arizona Department of Real Estate? ☐ Yes ☒ No
11. Is the legal owner(s) of the Property a Foreign Person pursuant to the Foreign Investment in Real Property
12. Tax Act (FIRPTA)? ☐ Yes ☒ No If yes, consult a tax advisor; mandatory withholding may apply.
13. Does the Property include any leased land? ☐ Yes ☒ No
14. If No, skip to line 22
15. If yes, is the land: ☐ State ☐ Federal ☐ Privately owned ☐ Other: _____
16. How many acres are leased? _____
17. Expiration date of current lease? _____ (Attach a copy of the lease.)
18. Is the Property currently leased to a tenant? ☐ Yes ☐ No
19. If yes, expiration date of current lease: _____ (Attach a copy of the lease.)
20. If any refundable deposits or prepaid rents are being held, by whom and how much? Explain: _____
21. _____

YES NO

22. ☐ ☒ Have you entered into any agreement to transfer your interest in the Property in any way, including lease renewals
23. or options to purchase? Explain: _____
24. ☐ ☒ To your knowledge, is the Property subject to Covenants, Conditions and Restrictions or deed restrictions?
25. Explain: _____

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YES NO

26. ☐ ☒ Are you aware of any association(s) governing this Property?
27. If yes, membership in the association(s) is ☐ Mandatory ☐ Voluntary
28. Association Name: _____ Contact Person: _____ Phone #: _____
29. Association Name: _____ Contact Person: _____ Phone #: _____
30. If yes, are there any fees? How much? \$ _____ How often? _____
31. How much? \$ _____ How often? _____
32. ☐ ☒ Are you aware of any assessments affecting this Property? (Check all that apply):
33. ☐ Association assessment ☐ Road maintenance ☐ Sewer ☐ Water ☐ Electric ☐ Other _____
34. If yes, the approximate balance: \$ _____
35. ☐ ☒ Are you aware of any proposed assessment(s)?
36. If yes, explain: _____
37. ☐ ☒ Are you aware of any pending or anticipated disputes or litigation regarding the Property or the association(s)?
38. Explain: _____
39. ☐ ☒ Are you aware of any of the following recorded against the Property? (Check all that apply):
40. ☐ Judgment liens ☐ Tax liens ☐ Other non-consensual liens
41. Explain: _____
42. ☐ ☒ Are you aware of any title issues affecting this Property? (Check all that apply):
43. ☐ Recorded easements ☐ Use restrictions ☐ Lot line disputes ☐ Encroachments
44. ☐ Unrecorded easements ☐ Use permits ☐ Conservation easement ☐ Other _____
45. Explain: _____
46. ☐ ☒ Are you aware of any pending or anticipated eminent domain or condemnation proceedings regarding the Property?
47. Explain: _____
48. ☐ ☒ Are you aware of any development, impact, or similar fees regarding the Property?
49. Explain: _____
50. ☐ ☒ Are you aware if the Property is located within the boundaries of a Community Facilities District (CFD)?
51. If yes, provide the name of the CFD: _____

ACCESS

52. There ☒ is ☐ is not...legal access to the Property, as defined in A.R.S. §11-831 ☐ unknown
53. Explain: _____
54. _____
55. There ☒ is ☐ is not...physical access to the Property ☐ unknown
56. Explain: _____
57. _____
58. There ☒ is ☐ is not ...a statement from a licensed surveyor or engineer available stating whether the Property has
59. physical access that is traversable by a two-wheel drive passenger motor vehicle
60. The legal and physical access to the Property ☒ is ☐ is not...the same ☐ unknown ☐ not applicable
61. Explain: _____
62. _____
63. The road(s) ☐ is publicly maintained ☒ privately maintained ☐ not maintained ☐ not applicable. If applicable, there
64. ☐ is ☒ is not...a recorded road maintenance agreement.
65. **If the roads are not publicly maintained, it is the responsibility of the Property owner(s) to maintain the roads and roads that**
66. **are not improved to county standards and accepted for maintenance are not the county's responsibility.**

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BUYER BUYER

USE

67. What is the current use of the Property? Pasture
68. What prior uses of the Property are you aware of? None

YES NO

69. ☒ ☐ To your knowledge, does the current use conform with current zoning?
70. If no, Explain: _____
71. ☒ ☐ Are you aware of any improvements on the Property?
72. Explain: Horse stalls & water service to larger parcel
73. ☐ ☒ Are you aware of any crops being grown on the Property?
74. If yes, are the crops ☐ Owner operated ☐ Tenant operated
75. If yes, who has the right to harvest the crops and for what period of time? Explain: _____
76. _____
77. ☒ ☐ Are you aware of any livestock on the Property?
78. If yes, are the livestock ☒ Owner operated ☐ Tenant operated ☐ Open range

UTILITIES

79. ARE THE FOLLOWING SERVICES AVAILABLE TO THE PROPERTY?

YES NO

- | | | | PROVIDER |
|-----|-------------------------------------|--|-------------------------------------|
| 80. | <input checked="" type="checkbox"/> | Electricity: | <u>SRP</u> |
| 81. | <input type="checkbox"/> | Fuel: <input type="checkbox"/> Natural gas <input type="checkbox"/> Propane <input type="checkbox"/> Oil | |
| 82. | <input checked="" type="checkbox"/> | Cable: | <u>COX</u> |
| 83. | <input checked="" type="checkbox"/> | Internet: | <u>COX</u> |
| 84. | <input checked="" type="checkbox"/> | Telephone: | <u>COX</u> |
| 85. | <input checked="" type="checkbox"/> | Garbage Collection: | <u>Republic or Waste Management</u> |
| 86. | <input checked="" type="checkbox"/> | Fire: | <u>Gilbert Fire Department</u> |
| 87. | <input checked="" type="checkbox"/> | Irrigation: | <u>RWCD</u> |
| 88. | <input type="checkbox"/> | <input checked="" type="checkbox"/> Are there any alternate power systems serving the Property? (If no, skip to line 99) | |
| 89. | | If yes, indicate type (Check all that apply) | |
| 90. | | <input type="checkbox"/> Solar <input type="checkbox"/> Wind <input type="checkbox"/> Generator <input type="checkbox"/> Other _____ | |
| 91. | <input type="checkbox"/> | <input type="checkbox"/> Are you aware of any past or present problems with the alternate power system(s)? | |
| 92. | | Explain: _____ | |
| 93. | <input type="checkbox"/> | <input type="checkbox"/> Are any power systems serving the Property leased? | |
| 94. | | Explain: _____ | |
| 95. | | If yes, provide name and phone number of the leasing company (Attach copy of lease if available) _____ | |
| 96. | | _____ | |

NOTICE TO BUYER: If the Property is served by a solar system, Buyer is advised to read all pertinent documents and review the cost, insurability, operation, and value of the system, among other items.

WATER

YES NO

99. ☒ ☐ Is there a domestic water source to the Property?
100. If yes, water source is: ☒ Public ☐ Private water company ☐ Private well ☐ Shared well ☐ Hauled water
101. If water source is a private or shared well, or water can be used from springs, streams, lakes, ponds, reservoirs, canyons, or ravines, complete and attach the DOMESTIC WATER WELL/ WATER USE ADDENDUM.
102. _____
103. If water source is public, a private water company, or hauled water, Provider is: Town of Gilbert

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Vacant Land/Lot Seller's Property Disclosure Statement (SPDS) >>

	YES	NO	
104.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Are you aware of any past or present drinking water problems?
105.			Explain: _____
106.			_____
107.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	To your knowledge, is the Property in one of the following districts or areas? (Check all that apply):
108.			<input type="checkbox"/> Central Arizona Project (CAP) District <input type="checkbox"/> Irrigation Non-Expansion Area <input checked="" type="checkbox"/> Active Management Area
109.			<input type="checkbox"/> Central Arizona Groundwater Replenishment District <input type="checkbox"/> Other: _____
110.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Are you aware of any grandfathered water rights associated with the Property?
111.			If yes, <input type="checkbox"/> Type I <input type="checkbox"/> Type II <input type="checkbox"/> Irrigation
112.			Grandfathered Water Rights Certificate # _____
113.			What is the allotment? _____ acre feet
114.			Number of irrigated acres _____
115.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	To your knowledge, does the Property have surface water rights? If yes, Certificate # _____
116.			
117.			
118.			

NOTICE TO BUYER: If the Property is served by a well, private water company or a municipal water provider, the Arizona Department of Water Resources may not have made a water supply determination. For more information about water supply, or any of the above services, contact the provider.

SEWER/WASTEWATER TREATMENT

	YES	NO	
119.			Type of sewer: <input type="checkbox"/> Public <input type="checkbox"/> Private <input type="checkbox"/> Planned and approved sewer system, but not connected <input checked="" type="checkbox"/> None
120.			Name of Provider: _____
121.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is the Property served by an On-Site Wastewater Treatment Facility? (If no, skip to line 136)
122.			If yes, the Facility is: <input type="checkbox"/> Conventional septic system <input type="checkbox"/> Alternative system; type: _____
123.			_____ or;
124.			Other: _____
125.			
126.			

NOTICE TO BUYER: Contact the appropriate governmental or private provider regarding the availability and cost of sewer connection.

127.	<input type="checkbox"/>	<input type="checkbox"/>	If the Facility is an alternative system, is it currently being serviced under a maintenance contract?
128.			If yes, name of contractor: _____ Phone #: _____
129.			Approximate year Facility installed: _____ (Attach copy of permit)
130.	<input type="checkbox"/>	<input type="checkbox"/>	Are you aware of any repairs or alterations made to this Facility since original installation?
131.			Explain: _____
132.			_____
133.			Approximate date of last Facility inspection and/or pumping of septic tank: _____
134.			_____
135.	<input type="checkbox"/>	<input type="checkbox"/>	Are you aware of any past or present problems with the Facility? Explain: _____
136.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Are you aware of any site/soil evaluation (percolation or other tests) having been performed on the Property?
137.			If yes, when and by whom? _____
138.			
139.			

NOTICE TO SELLER AND BUYER: The Arizona Department of Environmental Quality (ADEQ) requires a pre-transfer inspection of on-site wastewater treatment facilities on re-sale properties.

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142.

NOTICE TO BUYER: Cesspools have not been approved for use in Arizona since 1976. Current Arizona Department of Environmental Quality regulations on cesspools specifically prohibit their use for sewage disposal [R18-9-A309(A)(4) and R18-5-408(D)].

ENVIRONMENTAL INFORMATION

YES NO

143. ☐ ☒ Are you aware of the presence of any of the following on the Property, past or present? (Check all that apply):
144. ☐ Asbestos ☐ Radon gas ☐ Mining operations ☐ Pesticides
145. ☐ Underground storage tanks ☐ Fuel/oil/chemical disposal or storage
146. Explain: _____
147. ☐ ☒ Are you aware of the presence of any of the following in close proximity to Property, past or present? (Check all that apply):
148. ☐ Asbestos ☐ Radon gas ☐ Pesticides ☐ Underground storage tanks
149. ☐ Fuel/oil/chemical disposal or storage ☐ Other: _____
150. Explain: _____
151. ☐ ☒ Are you aware if the Property is located within any of the following? (Check all that apply):
152. ☐ Superfund ☐ Water Quality Assurance Revolving Fund ("WQARF")
153. ☐ Comprehensive Environmental Response Compensation and Liability Act ("CERCLA")
154. ☐ ☒ Are you aware of any environmental assessments or studies having been performed on the Property?
155. If yes, was the study a (Check all that apply): ☐ Phase I ☐ Phase II ☐ Phase III ☐ Other _____
156. (Attach copies of the environmental assessment or study.)
157. ☐ ☒ Are you aware of any past or present issues or problems with any of the following on the Property? (Check all that apply):
158. ☐ Soil settlement/expansion ☐ Drainage/grade ☐ Erosion ☐ Fissures ☐ Other
159. Explain: _____

160.
161.

NOTICE TO BUYER: The Arizona Department of Real Estate provides earth fissure maps to any member of the public in printed or electronic format upon request and on its website at: www.azre.gov

162. ☐ ☒ Are you aware of any past or present issues or problems in close proximity to the Property related to any of the following? (Check all that apply):
163. ☐ Soil settlement/expansion ☐ Drainage/grade ☐ Erosion ☐ Fissures ☐ Other
164. Explain: _____
165. ☒ ☒ Are you aware if the Property is subject to any present or proposed effects of any of the following? (Check all that apply):
166. ☒ Airport noise ☐ Traffic noise ☒ Rail line noise ☐ Neighborhood noise ☐ Toxic waste disposal
167. ☐ Odors ☐ Nuisances ☐ Sand/gravel operations ☐ Other _____
168. Explain: _____
169. ☐ ☒ Are you aware of any portion of the Property being situated on or in close proximity to a closed landfill?
170. Explain: _____
171. ☐ ☒ Are you aware of any conditions that make the Property subject to any of the following ordinances or regulations? (Check all that apply):
172. ☐ Hillside ☐ Erosion control ☐ Native plant/animal species preservation ☐ Natural area open space requirements
173. ☐ Wetlands area ☐ Critical habitat
174. ☒ ☒ Are you aware if the Property is located in the vicinity of an airport (military, public, or private)?
175. Explain: Williams Field / Mesa Gateway Airport
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177.

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NOTICE TO SELLER AND BUYER: Pursuant to Arizona Law a Seller shall provide a written disclosure to the Buyer if the Property is located in territory in the vicinity of a military airport or ancillary military facility as delineated on a map prepared by the State Land Department. The Department of Real Estate also is obligated to record a document at the County Recorder's Office disclosing if the property is under restricted air space and to maintain the State Land Department Military Airport Map on its website at: www.azre.gov.

YES NO

183.
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185.
186.

☐ ☒
☐ ☒

Are you aware if any portion of the Property is in a flood way or flood plain?

Explain: _____

Are you aware of any portion of the Property ever having been flooded?

Explain: _____

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200.

NOTICE TO BUYER: Your mortgage lender [may] [will] require you to purchase flood insurance in connection with your purchase of this property. The National Flood Insurance Program provides for the availability of flood insurance and establishes flood insurance policy premiums based on the risk of flooding in the area where properties are located. Changes to federal law (The Biggert-Waters Flood Insurance Reform Act of 2012 and the Homeowner Flood Insurance Affordability Act of 2014, in particular) will result in changes to flood insurance premiums that are likely to be higher, and in the future may be substantially higher, than premiums paid for flood insurance prior to or at the time of sale of the property. As a result, purchasers of property should not rely on the premiums paid for flood insurance on this property previously as an indication of the premiums that will apply after completion of the purchase. In considering purchase of this property you should consult with one or more carriers of flood insurance for a better understanding of flood insurance coverage, current and anticipated future flood insurance premiums, whether the prior owner's policy may be assumed by a subsequent purchaser of the property, and other matters related to the purchase of flood insurance for the property. For more information about flood insurance as it relates to this property, you may also wish to contact the Federal Emergency Management Agency (FEMA) at: <https://www.fema.gov/national-flood-insurance-program>.

MISCELLANEOUS

YES NO

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202.
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Are you aware of any survey of the Property by a licensed surveyor having been performed? If yes, when and

by whom? DL Surveying, April 2023 (Attach surveyor's plat map)

If yes, is the survey recorded?

Are you aware of any archeological features or artifacts on the Property?

Explain: _____

Are you aware of any archeological study having been performed on the Property?

If yes, when and by whom? _____

Are you aware of any endangered species on the Property? Explain: _____

Are you aware of any endangered species studies having been performed on the Property? If yes, when and by whom? _____

Are you aware of any mineral rights that transfer with the title? If yes, explain: _____

Are you aware of any open mine shafts/tunnels, abandoned wells, or other hazards on the Property?

If yes, describe location: _____

(Illustrate location on plat map, if attached.)

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ADDITIONAL EXPLANATIONS

YES NO

218. ☐ ☒ Is there any other information concerning the Property that might affect the decision of a buyer to buy, or affect the value of the Property, or affect the Property's use by a buyer? Explain: _____
219. _____
220. _____
221. _____
222. _____
223. _____
224. _____
225. _____
226. _____
227. _____
228. _____
229. _____
230. _____
231. _____
232. _____
233. _____
234. _____
235. _____

236. **SELLER CERTIFICATION:** Seller certifies that the information contained herein is true and complete to the best of Seller's knowledge as of the date signed. Seller agrees that any changes in the information contained herein will be disclosed in writing by Seller to Buyer prior to Close of Escrow, including any information that may be revealed by subsequent inspections.

239. Nathan W. Miller 04/19/25
^ SELLER'S SIGNATURE MO/DA/YR ^ SELLER'S SIGNATURE MO/DA/YR
Nathan W. Miller Trustee of the Estate
240. Reviewed and updated: Initials: _____ / _____
SELLER SELLER MO/DA/YR

241. **BUYER'S ACKNOWLEDGMENT:** Buyer acknowledges that the information contained herein is based only on the Seller's actual knowledge and is not a warranty of any kind. Buyer acknowledges Buyer's obligation to investigate any material (important) facts in regard to the Property. Buyer is encouraged to obtain Property inspections by professional independent third parties.

244. **NOTICE:** Buyer acknowledges that by law, Sellers, Lessors and Brokers are not obligated to disclose that the Property is or has been: (1) the site of a natural death, suicide, homicide, or any other crime classified as a felony; (2) owned or occupied by a person exposed to HIV, diagnosed as having AIDS or any other disease not known to be transmitted through common occupancy of real estate; or (3) located in the vicinity of a sex offender.

248. By signing below, Buyer acknowledges receipt only of this SPDS. If Buyer disapproves of any items provided herein, Buyer shall deliver to Seller written notice of the items disapproved as provided in the Contract.

250. _____
^ BUYER'S SIGNATURE MO/DA/YR ^ BUYER'S SIGNATURE MO/DA/YR